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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,965

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EXAMINER

SHELEHEDA, JAMES R

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/534,965	<b>Applicant(s)</b> KENDALL ET AL.	
	<b>Examiner</b> JAMES SHELEHEDA	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,11,13-15,21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,11,13-15,21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/21/10 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 05/21/10 have been fully considered but they are not persuasive.

On pages 6-7, applicant argues that neither Leung or Ganzer disclose "enabling a user to provided updated information comprising location information associated with the emergency alert function responsive to detecting said power interruption."

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this case, Leung discloses a television receiving apparatus which allows a user to enter information regarding their preferences for system settings (such as parental control settings; paragraph 103-104). Responsive to the power interruption, the user is alerted to the power loss (paragraph 159 and 169) and enabled to provide updated information (enabling the user to reenter all of the settings lost due to the power interruption; paragraph 103-104 and paragraph 129-169).

Ganzer discloses a television receiving apparatus having an emergency alert function (column 2, lines 15-55) which allows a user to enter system setting information for a emergency alert function comprising location information and update the information as needed (column 4, lines 54-69 and column 8, line 51-column 9, line 24).

Thus, the **combination** of Leung and Ganzer disclose the claimed apparatus which detects a power interruption (Leung), notifies the user of the power interruption (Leung) and enables the user to provide updated information responsive to the power interruption (Leung), the updated information comprising location information for an emergency alert function (Ganzer). Therefore, applicant's arguments aren't convincing as the combination of Leung and Ganzer clearly meet the current broad claim language.

On page 5, applicant argues that “a request for entry of a previously set password, as in Leung, is not a request for updated information.”

In response, Leung discloses wherein all of the parental control information is lost after a power interruption. After entering the password, the user is enabled to update the information (paragraph 159-169). This meets the current claim limitations.

It is noted that while applicant refers to a “request for updated information”, there is no such claim limitation. While the claims indicate that the user is “enabled” to update their information, there is not requirement for a “request”. Therefore, applicant’s arguments are not convincing.

In response to applicant's argument that “neither of the references suggests the problem of a television being relocated, or that a power interruption could indicate such relocation, or that such relocation could interfere with the operation of an emergency alert function”, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

3. Applicant's arguments are also moot in view of the new additional ground(s) of rejection under Suh (5,867,224).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 4, 11, 13, 14, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (Leung) (US 2002/0095673 A1) (of record) in view of Ganzer et al. (Ganzer) (5,121,430) (of record).

As to claim 1, while Leung discloses a method for controlling an apparatus having functions (paragraph 103-104 and paragraphs 159-169), comprising:

detecting power interruption to said apparatus (paragraph 159-169);  
enabling an output to notify a user responsive to detecting said power interruption (paragraph 169); and

enabling a user to provide updated information associated with said function responsive to detecting said power interruption (reentry of the cleared control functions; paragraph 103-104 and paragraphs 159-169), he fails to specifically disclose an emergency alert function and information comprising location information.

In an analogous art, Ganzer discloses an apparatus having an emergency alert function (column 2, lines 15-55) which allows a user to select enter emergency alert information comprising location information they desire and update the information as needed (column 4, lines 54-69 and column 8, line 51-column 9, line 24) for the typical benefit of providing users with emergency alert information which is relevant to the user's actual geographic area (column 2, lines 7-12).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Leung's system to include an emergency alert function and information including location information, as taught in combination with Ganzer, for

the typical benefit of providing users with emergency alert information which is relevant to the user's actual geographic area.

As to claims 11 and 21, while Leung discloses a television having a function (paragraph 103-104 and paragraphs 159-169), comprising:

tuning means for tuning signals (Fig. 3, 24);

processing means (Fig. 3; 32) for detecting a power interruption to said apparatus (paragraph 159-169), and for enabling an output to notify a user responsive to detecting said power interruption (paragraph 169); and

enabling a user to provide updated information associated with said function responsive to detecting said power interruption (reentry of the cleared control functions; paragraph 103-104 and paragraphs 159-169), he fails to specifically disclose the tuner tuning to emergency alert signals capable of activating an emergency alert function and information comprising location information.

In an analogous art, Ganzer discloses an apparatus having an emergency alert function (column 2, lines 15-55) which allows a user to select enter emergency alert information they desire and update the information as needed (column 4, lines 54-69 and column 8, line 51-column 9, line 24) and which will then monitor incoming signals to activate the emergency function at the appropriate time (column 4, line 50-column 5, line 20) for the typical benefit of providing users with emergency alert information which is relevant to the user's actual geographic area (column 2, lines 7-12).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Leung's system to include the tuner tuning to emergency alert signals capable of activating an emergency alert function and information comprising location information, as taught in combination with Ganzer, for the typical benefit of providing users with emergency alert information which is relevant to the user's actual geographic area.

As to claims 3, 13 and 23, while Leung and Ganzer disclose location information (see Ganzer at column 4, line 50-column 5, line 20), they fail to specifically disclose a FIPS location code.

The examiner takes Official Notice that it was notoriously well known in art at the time of invention by applicant to utilize FIPS location codes when providing location specific messages to receivers for the typical benefit of utilizing an established, widely known standard for messaging.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Leung and Ganzer's system to include FIPS locations codes for the typical benefit of utilizing an established, widely known standard for providing location information.

As to claims 4, 14 and 24, Leung and Ganzer disclose wherein said updated information includes a type of emergency event (column 8, line 62-column 9, line 23).



6. Claims 5, 15, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung and Ganzer and further in view of Hayes (4,718,107).

As to claims 5, 15 and 25, while Leung and Ganzer discloses detecting said power interruption and volatile memory (see Leung at paragraph 159-169), they fail to specifically disclose detecting a duration of said power interruption.

In an analogous art, Hayes discloses a television receiver which will store information within a volatile memory (column 2, line 49-column 3, line 5) which will detect the duration of a power interruption by providing a backup power supply for a limited duration of time (column 2, line 49-column 3, line 5) and indicating a power failure if the duration exceeds the duration of the backup power supply (column 2, line 49-column 3, line 5) for the typical benefit of reducing the effects of a limited loss of power by protecting against power interruptions of a certain duration (column 2, line 49-column 3, line 5).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Leung and Ganzer's system to include detecting a duration of said power interruption, as taught in combination with Hayes, for the typical benefit of reducing the effects of a limited loss of power by protecting against power interruptions of a certain duration.

As to claim 26, Leung, Ganzer and Hayes disclose wherein said power interruption is detected if said duration exceeds a predetermined time period (see Hayes at column 6, line 27-column 7, line 34 and column 4, lines 30-54).

7. Claims 1, 3, 4, 11, 13, 14, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suh (5,867,224) in view of Ganzer.

As to claim 1, while Suh discloses a method for controlling an apparatus having functions (Fig. 4; column 2, line 38-column 3, line 15), comprising:

detecting power interruption to said apparatus (Fig. 4, S203; column 5, lines 26-43);

enabling an output to notify a user responsive to detecting said power interruption (Fig. 4; S204-205; column 5, lines 38-44); and

enabling a user to provide updated information associated with said function responsive to detecting said power interruption (Fig. 4; S207, S209, S211; column 5, lines 44-61), he fails to specifically disclose an emergency alert function and information comprising location information.

In an analogous art, Ganzer discloses an apparatus having an emergency alert function (column 2, lines 15-55) which allows a user to select enter emergency alert information comprising location information they desire and update the information as needed (column 4, lines 54-69 and column 8, line 51-column 9, line 24) for the typical benefit of providing users with emergency alert information which is relevant to the user's actual geographic area (column 2, lines 7-12).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Suh's system to include an emergency alert function and information including location information, as taught in combination with Ganzer, for

the typical benefit of providing users with emergency alert information which is relevant to the user's actual geographic area.

As to claims 11 and 21, while Suh discloses a television having a function (Fig. 4; column 2, line 38-column 3, line 15), comprising:

tuning means for tuning signals (Fig. 1; column 2, lines 38-48);

processing means (microcomputer, 110; column 5, lines 29-44) for detecting a power interruption to said apparatus (column 5, lines 29-44), and for enabling an output to notify a user responsive to detecting said power interruption (column 5, lines 29-50); and

enabling a user to provide updated information associated with said function responsive to detecting said power interruption (column 5, lines 29-56), he fails to specifically disclose the tuner tuning to emergency alert signals capable of activating an emergency alert function and information comprising location information.

In an analogous art, Ganzer discloses an apparatus having an emergency alert function (column 2, lines 15-55) which allows a user to select enter emergency alert information they desire and update the information as needed (column 4, lines 54-69 and column 8, line 51-column 9, line 24) and which will then monitor incoming signals to activate the emergency function at the appropriate time (column 4, line 50-column 5, line 20) for the typical benefit of providing users with emergency alert information which is relevant to the user's actual geographic area (column 2, lines 7-12).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Suh's system to include the tuner tuning to emergency alert signals capable of activating an emergency alert function and information comprising location information, as taught in combination with Ganzer, for the typical benefit of providing users with emergency alert information which is relevant to the user's actual geographic area.

As to claims 3, 13 and 23, while Suh and Ganzer disclose location information (see Ganzer at column 4, line 50-column 5, line 20), they fail to specifically disclose a FIPS location code.

The examiner takes Official Notice that it was notoriously well known in art at the time of invention by applicant to utilize FIPS location codes when providing location specific messages to receivers for the typical benefit of utilizing an established, widely known standard for messaging.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Suh and Ganzer's system to include FIPS locations codes for the typical benefit of utilizing an established, widely known standard for providing location information.

As to claims 4, 14 and 24, Suh and Ganzer disclose wherein said updated information includes a type of emergency event (column 8, line 62-column 9, line 23).

8. Claims 5, 15, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suh and Ganzer and further in view of Hayes.

As to claims 5, 15 and 25, while Suh and Ganzer discloses detecting said power interruption and volatile memory (see Suh at Fig. 2, 205; column 4, lines 30-34), they fail to specifically disclose detecting a duration of said power interruption.

In an analogous art, Hayes discloses a television receiver which will store information within a volatile memory (column 2, line 49-column 3, line 5) which will detect the duration of a power interruption by providing a backup power supply for a limited duration of time (column 2, line 49-column 3, line 5) and indicating a power failure if the duration exceeds the duration of the backup power supply (column 2, line 49-column 3, line 5) for the typical benefit of reducing the effects of a limited loss of power by protecting against power interruptions of a certain duration (column 2, line 49-column 3, line 5).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Suh and Ganzer's system to include detecting a duration of said power interruption, as taught in combination with Hayes, for the typical benefit of reducing the effects of a limited loss of power by protecting against power interruptions of a certain duration.

As to claim 26, Suh, Ganzer and Hayes disclose wherein said power interruption is detected if said duration exceeds a predetermined time period (see Hayes at column 6, line 27-column 7, line 34 and column 4, lines 30-54).

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES SHELEHEDA whose telephone number is (571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Sheleheda/  
Primary Examiner, Art Unit 2424

JS